

5-3-12: **REGULATIONS FOR COMMUNICATION TOWERS:**

(A) **SPECIAL USE:** Personal wireless service facilities are permitted special uses in any zoning district within the Village, provided, however, no special use permit for personal wireless service facilities shall be granted unless such personal wireless service facilities comply with the provisions of this Section 5-3-12.

(B) **PURPOSE AND INTERPRETATION:** The purpose of this Section 5-3-12 is to provide specific regulations for the placement, construction, maintenance, repair and modification of personal wireless service facilities. The provisions of this Section 5-3-12 are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of wireless services, nor shall the provisions of this Section 5-3-12 be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services. To the extent that any provision or provisions of this Section 5-3-12 are inconsistent with or conflict with any other provision of the Zoning Code, the provisions of this Section 5-3-12 shall be deemed to control.

(C) **DEFINITIONS:** For the purpose of this Section 5-3-12, defined terms shall have the meanings ascribed to them in Section 5-2-1 and Section 5-3-12(G).

(D) **FACILITY REQUIREMENTS AND PREFERENCES:**

1. **Existing Facilities Permitted:** Any personal wireless service facility installed, operating or approved prior to the enactment of this ordinance, which would be prohibited under this Section 5-3-12, shall be considered a legal non-conforming use and/or a legal non-conforming structure, as the case may be, and shall be subject to the rules on non-conforming uses or structures provided in Chapter 9 of this Title.

Routine maintenance, including painting of and repairs to the facility, upkeep of the site, replacement of individual components of the facility with like-kind components of substantially similar size and installation of previously approved antennas shall be permitted on existing personal wireless facilities.

All new construction other than routine maintenance on existing personal wireless facilities, shall comply with the provisions set forth in this Section 5-3-12.

2. **Site Selection Criteria:** The site proposed by an applicant will be evaluated using the following criteria, which are not listed in order of priority: (i)

topography, (ii) availability of road access and parking for service vehicles and emergency response vehicles, (iii) provisions for and location of applicable utilities, (iv) existing screening and landscaping and potential opportunities for additional screening and landscaping, (v) compatibility with adjacent land uses, (vi) estimated coverage area of facility from proposed Site, (vii) availability of suitable existing structures on which the facility could be located and (viii) location of facility on the proposed site.

3. Site Selection Preferences: The site proposed by an applicant will be evaluated in light of the following preferences of the Village for locating new personal wireless service facilities, which are listed in order of priority with the most preferred location first and the least preferred location last: (i) place new antennas on existing antenna support structures, (ii) place new personal wireless service facilities on publicly owned property, (iii) place new personal wireless service facilities in business or industrial zoning districts, (iv) place new personal wireless service facilities in residential zoning districts, provided however, no new facility shall be located in a residential zoning district unless the applicant shows that (a) the new facility cannot be located on sites specified in (i) through (iii) above and (b) the proposed site has minimal visual impact on adjoining residential lots.

4. Facility Design Criteria: All new proposed personal wireless service facilities shall be constructed in accordance with the following design criteria: (i) constructed in accordance with the standards promulgated from time to time by the Electronics Industry Association and all applicable building codes, (ii) constructed to permit co-location capability for multiple carriers/antenna, (iii) no lights, signals or signs shall be permitted on the antenna or antenna support structure, unless required by applicable law, provided, however, this shall not be construed to prevent security lighting on the ground level equipment buildings, (iv) all new personal wireless service facilities shall be fitted with anti-climbing devices, (v) the color of the antenna and antenna support structure shall match and shall blend into the surrounding environment to the greatest extent feasible, (vi) ground level equipment buildings shall comply with the Village Building Code and shall be adequately screened from view from adjacent properties, streets and roads.

5. Facility Design Preferences: All new proposed personal wireless service facilities will be evaluated in light of the following preferences of the Village, which are listed in order of priority with the most preferred design first and the least preferred design last: (i) new antennas mounted on existing structures or existing personal wireless service facilities, (ii) multi-carrier capable Unipole-style antenna support structures with antennas installed inside the antenna support structure, (iii) multi-carrier capable Monopole-style antenna support structures with direct mounted antennas, (iv) multi-carrier capable Monopole-style antenna support structures with platform mounted antennas, (v) multi-carrier capable lattice-style antenna support structures, and (vi) any

single-carrier antenna support structure with the Unipole-style being most preferable.

- (E) SPECIAL USE APPLICATION REQUIREMENTS: In the course of reviewing any request for a special use permit required under this Section 5-3-12, the Zoning Board of Appeals or the Village Board of Trustees, as the case may be, shall act within a reasonable period of time after the application is duly filed with the Village, taking into account the nature and scope of the special use. Any decision to deny such an application shall be in writing and supported by substantial evidence contained in a written record.

1. Required Information: An applicant for a special use permit for personal wireless service facilities shall submit the following documentation and information:

A site plan clearly indicating the location, type (unipole, monopole, lattice, other) and height (measured from grade to highest point, excluding ground rods up to 10 feet long) of the proposed facility, number of proposed carriers that can be located on the antenna support structure, current on-site land uses and zoning, current adjacent land uses and zoning, adjacent roadways, location of existing utilities, and proposed means of access, fencing, landscaping/screening and elevation drawings of the proposed facility.

A survey prepared by an Illinois licensed land surveyor within ninety (90) days of the application showing the location of the proposed facility and setbacks from property lines, provided, however, that a survey up to one (1) year old is acceptable if accompanied by an affidavit of the site's fee-title owner stating that there has been no change to the site since the date of the survey.

A copy of the last deed of record and legal description of the site and any restrictive covenants controlling use and/or development of the site.

Distance between the proposed facility (measured from the base pad of the facility) and the nearest single-family detached dwelling that is not located on the proposed site.

Aerial photo of the proposed site and photo simulations of the proposed facility as viewed from the nearest single-family detached dwelling that is not located on the proposed site.

A statement under oath signed by the applicant stating the facility will comply with all applicable federal and state laws and regulations (including specifically FAA and FCC regulations) and this Section.

Identity of any known carriers intending to install antennas on the antenna support structure and proof of agreements between the applicant and the identified carrier(s).

Written justification of compliance with Site Selection Criteria and Facility Design Criteria.

Coverage or Propagation Maps.

Proof of service of notice of the time and place of the public hearing of the special use application (i) served upon adjacent property owners within 500' of the proposed Site, (ii) as published as least once, not less than fifteen (15) days nor more than thirty (30) days before the hearing in a newspaper of general circulation in the Village, and (iii) such other means or methods as proscribed by the Zoning Board of Appeals.

2. Optional Information: An applicant for a special use permit for personal wireless service facilities may submit the following documentation and information:

Comments from adjacent property owners.

Any other information that is reasonably requested by the Zoning Board of Appeals or Village Board of Trustees, as the case may be.

(F) APPLICATION EVALUATION CRITERIA: The applicant or its agent shall demonstrate compliance with Section 5-10-7(E) of the Zoning Code and this Section 5-3-12.

1. Special Use Permit - General Requirements: No special use permit for a personal wireless service facility shall be recommended by the Zoning Board of Appeals unless the Zoning Board of Appeals shall find that the application satisfies the general requirements for special uses contained in Section 5-10-7(E) of the Zoning Code.

2. Special Use Permit – Additional Requirements: No special use permit for a personal wireless service facility shall be recommended by the Zoning Board

of Appeals unless the Zoning Board of Appeals shall find the application satisfies the following additional requirements:

That no existing, sufficient and readily available antenna support structures are located within the geographic area that meets applicant's coverage requirements.

That the applicant's proposed facility would not cause electromagnetic interference with other antennas on existing antenna support structures.

That an alternative technology that does not require the use of an antenna support structure, such as microcell and/or distributed antenna systems network using multiple low powered transmitters/receivers attached to a wire line system, is unsuitable.

Adherence to any additional requirements and preferences set forth in this Section 5-3-12.

(G) TECHNICAL DEFINITIONS **[MOVE TO 5-2-1?]**

ANTENNA: Any exterior apparatus or apparatuses designed for telephonic, radio, data or internet communications through the sending and/or receiving of radio frequency waves, including equipment attached to an antenna support structure for the purpose of providing personal wireless services.

ANTENNA SUPPORT STRUCTURE: Any pole, telescoping mast, tower, tripod or other structure that supports an antenna.

BASE PAD

CABLE MICROCELL NETWORK

CARRIER/PROVIDER

DISTRIBUTED ANTENNA SYSTEM

EXISTING ANTENNA SUPPORT STRUCTURE:

COVERAGE AREA:

COVERAGE/PROPOGATION MAPS:

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

PERSONAL WIRELESS SERVICES, PERSONAL WIRELESS SERVICE FACILITIES: Shall be defined in the same manner as in Title 47, United States Code, Section 332(c)(7)(C), as amended, personal wireless facilities may also be referred to as a "facility" or "facilities".

MONOPOLE:

SITE: A lot or parcel of land that contains personal wireless service facilities, including any antenna, antenna support structure and accessory buildings, and may include other uses associated with and ancillary to personal wireless services.

SITE PLAN:

STRUCTURE HEIGHT: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna (exclusive of ground rods up to ten (10') feet in height). Measurement of such height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

UNIPOLE:

WIRELESS SERVICE PROVIDER: